

DISTRICT OF NEVADA

Plaintiff,

Case No.: 2:15-cv-1036-GMN-GWF

Defendants.

ORDER

To the extent Plaintiff seeks a judgment on the pleadings, Federal Rule of Civil Procedure 12(c) provides: “After the pleadings are closed—but early enough not to delay

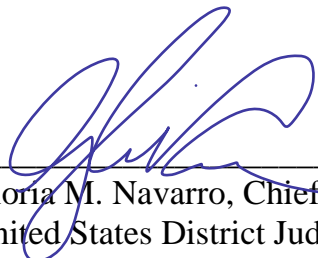
² This most recent Complaint is actually Plaintiff's second amended complaint, which Plaintiff titles as his Third Amended Complaint. For consistency, the Court will adopt Plaintiff's terminology.

1 trial—a party may move for judgment on the pleadings.” Fed. R. Civ. P. 12(c). The pleadings
2 are closed when all required pleadings have been served and filed. *Doe v. U.S.*, 419 F.3d 1058,
3 1061 (9th Cir. 2005) (“[T]he pleadings are closed for the purposes of Rule 12(c) once a
4 complaint and answer have been filed.”); *see* Fed. R. Civ. P. 7(a) (listing pleadings).
5 Defendants have not yet filed its answer in this action. Indeed, Plaintiff has yet to even serve
6 Defendants. Thus, the pleadings are not closed and Plaintiff’s Motion is premature. *See Doe*,
7 419 F.3d at 1061–62 (holding that a motion for judgment on the pleadings filed before any
8 answer “was premature and should have been denied”). The Court therefore DENIES
9 Plaintiff’s Motion for Judgment on the Pleadings without prejudice.

10 Accordingly,

11 **IT IS HEREBY ORDERED** that Plaintiff’s Motion, (ECF No. 28), is **DENIED**
12 **without prejudice.**

13 **DATED** this 18 day of June, 2017.

14
15
16
17 
18 _____
19 Gloria M. Navarro, Chief Judge
20 United States District Judge
21
22
23
24
25